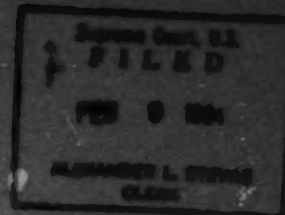


ORIGINAL



No. 83 - 5836

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1963

ROBERT LEE WILLIE,
Petitioner,

v.

STATE OF LOUISIANA,
Respondent.

REPLY IN SUPPORT OF PETITION FOR A WRIT OF
CERTIORARI TO THE SUPREME COURT OF LOUISIANA

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ATTORNEY FOR PETITIONER

Petitioner's contention that the first two issues presented in the Petition are of sufficient importance to warrant granting the writ (Petition, at 15-16) is strongly supported by the Court's grant of certiorari in Patton v. Yount, 104 S.Ct. 272 (1983). Yount involves, as does this case, the constitutional standards to be applied when there is intense pretrial publicity, a request to change venue is denied, and there is allegedly reason to conclude that, despite their assurances of impartiality, selected jury members are unable to decide the case solely on the basis of the evidence presented at trial. Indeed, Mr. Willie's Petition cites the Third Circuit's opinion in Yount v. Patton, 710 F.2d 956 (3d Cir. 1983), in asserting that there is a pressing need for this Court to articulate the factors other than the percentages of biased veniremen that must be considered in determining whether the effects of massive pretrial publicity have been overcome. (Petition, at 22-23.)

Petitioner submits that his case affords the Court an excellent vehicle, along with Yount, for articulating these standards. Petitioner has clearly shown that four members of his jury heard the attorney for another defendant, whose voir dire was conducted separately but simultaneously, accuse Petitioner of committing the crime and that two veniremen who were peremptorily challenged gave inconsistent answers at the two voir dire proceedings in responding to questions about the impact of the pretrial publicity. Respondent's Opposition totally ignores this showing.

Petitioner respectfully requests that certiorari be granted and that his case be argued together with Patton v. Yount. A consolidated argument would assist the Court in articulating the appropriate constitutional standards which must be applied in the variety of contexts in which claims of a biased jury arise.

Dated: February 8, 1984

Respectfully submitted,

Ronald J. Tabak

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ATTORNEYS FOR PETITIONER

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1983


ROBERT LEE WILLIE,
Petitioner,
v.
STATE OF LOUISIANA,
Respondent.

AFFIDAVIT OF SERVICE

COUNTY OF NEW YORK)
: ss.:
STATE OF NEW YORK)

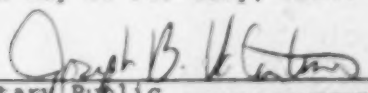
RONALD J. TABAK, being duly sworn, states as follows:

1. I am an attorney for petitioner Robert Lee Willie. I am admitted to practice in the courts of the State of New York and am a member of the Bar of the Supreme Court of the United States.
2. On the 8th day of February, 1984, in compliance with Rule 28.3 of this Court, I caused one copy of the Reply in Support of Petition For A Writ Of Certiorari To The Louisiana Supreme Court to be mailed, first-class postage prepaid, to the following attorney: Margaret A. Coon, Esq., Assistant District Attorney, 22d Judicial District, 428 East Boston, Covington, Louisiana 70433.
3. I further state that all parties required to be served have been served.



Ronald J. Tabak
Hughes Hubbard & Reed
One Wall Street
New York, New York 10005

Sworn to before me this
8th day of February, 1984.



Notary Public JOSEPH B. VALENTINE
Notary Public, State of New York
No. 25-403458
Qualified in Nassau County
Certificate Filed in New York County
City of New York March 28, 1983